

REMARKS

STATUS OF CLAIMS

Claims 1-10 have been pending.

Claim 10 is rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1-10 are rejected under 35 U.S.C. §102(e) as being anticipated by Perfit et al. (U.S. Patent 6,535,728).

Claims 1-4 and 6-10 are amended. Claim 5 is cancelled without disclaimer or prejudice. Thus, claims 1-4 and 6-10 remain pending for reconsideration, which is respectfully requested.

No new matter has been added in this Amendment. The forgoing rejections are hereby traversed.

IN THE SPECIFICATION

According to the forgoing, the Specification, the paragraph starting on page 1, line 28, is amended taking into consideration the Examiner's comment on page 2, item 4 of the Office Action regarding impossibility by replacing the term "impossible" with "possibly unreliable," to be more accurate. Support for the specification amendment can be found, for example, on page 1, line 32 to page 2, line 8, and page 3, lines 3-12, of the present Application.

EXAMINER OPINION ON PAGE 2, ITEM 4, OF THE OFFICE ACTION & REJECTION UNDER 35 USC 112, FIRST PARAGRAPH

Claim 10 is rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement.

First, in page 2, item 4, of the Office Action, the Examiner asserts

Considering the nature of the invention, the use of the term psychological is an unreasonable expansion in both the specification and the claims related to the measured descriptors. The subject matter related to psychology is indeed very complex and in no way can be summarized as a function of "elapsed time," "number of times the customer's call has been transferred," "the time for which the customer has remained silent during the communication with the operator," etc. Such a simplistic model will in no way represent the ***psychological state*** of the individual on the phone. In fact, the applicant agrees with the Examiner on the point of such a concern as noted in the specification at page 1,

lines 29-32: ... "and it is impossible to understand the customer's presumed psychological state such as his or her unpleasant or other feelings which result from the communication over the phone."

However, the Examiner solely relies on the specification on page 1, lines 29-32, which out of context can be mischaracterized. If, however, the specification, page 1, lines 29-32, is considered in view of the specification on page 1, line 32 to page 2, line 8, and page 3, lines 3-12, the specification conveys a more likely circumstance (other than impossibility as suggest by the Examiner) in which elapsed time of a call within a call handling system alone might not provide an accurate caller psychological state, whereas with other factors relating to the state of the call within the call handling system, such as number of times the customer's call has been transferred, the time for which the customer has remained silent, and the like, a more accurate psychological state can be understood. Therefore, the Examiner's characterization of the specification, page 1, lines 29-32, is not appropriate at least in view of the specification page 3, lines 3-12.

According to the forgoing, the Specification, the paragraph starting on page 1, line 28, is amended taking into consideration the Examiner's comment on page 2, item 4 of the Office Action regarding impossibility by replacing the term "impossible" with "possibly unreliable," to be more accurate. Support for the specification amendment can be found, for example, on page 1, line 32 to page 2, line 8, and page 3, lines 3-12, of the present Application.

Further, the Examiner's assertion, "such a simplistic model will in no way represent the **psychological state** of the individual on the phone," which relates to the present claimed invention using the measured descriptors of "number of times the customer's call has been transferred," etc., is not appropriate, because (1) the Examiner's assertion is not based on any evidence provided by the Examiner (see, for example, MPEP 2164.04, 05), (2) the Examiner's assertion is contrary to the present specification page 3, lines 3-12, page 5, lines 20-32; page 6, lines 10-21; and page 10, lines 5-18 and (3) the Examiner's assertion is contrary to the Examiner position relying on Perfit to allege a fraud event can represent a psychological state (page 5, last three sentences, of the Office Action).

As far as the 35 USC 112, first paragraph rejection of newly added independent claim 10, that "psyche parameter" is not enabled, the Applicants respectfully disagree, because claim 10 expressly defines the phrase "psyche parameter" by reciting, "the at least one psyche parameter representing a presumed psychological state of the calling customer," in which the psyche parameter (i.e., a presumed psychological state of the calling customer) is generated based on "analyzing computer server-state conditions of the received telephone terminal call" (claim 10 as amended).

In particular, claim 10 recites:

10. (CURRENTLY AMENDED) A method, comprising:
 receiving at a computer server a customer call from a telephone terminal; and
 analyzing state conditions of the received telephone terminal call **to generate at least one customer psyche parameter based on the state conditions of the received telephone terminal call**, the at least one psyche parameter **representing a presumed psychological state of the calling customer**,

wherein the analyzing comprises analyzing at least incoming call data obtained when the call from the telephone terminal has arrived, dealing data on dealing with the call from the telephone terminal, and transfer data on transfer of the call from the telephone terminal, each representing the state conditions of the call to generate the parameters (emphasis added).

Support and enablement for claim 10 is provided in the other independent claims 1 and 9, for example, by claim 1 reciting, "analyzing a ~~CTI server state condition~~state conditions of the call from the telephone terminal to generate ~~a parameter~~parameters based on the state ~~condition~~conditions of in the CTI server for the call, the ~~parameter~~parameters representing a presumed psychological state of the customer using the telephone terminal," and the specification on page 3, lines 3-11; page 5, lines 20-32; page 6, lines 10-21; and page 7, line 22 to page 10, line 18, of the present Application. See also, page 10, line 19 to page 17, line 18, and page 26, lines 15-28, which provide specific examples of how the present invention generates at least one customer psyche parameter based on the state conditions in the computer server for the received telephone terminal call.

The Applicants respectfully assert that the claimed idea of the present invention is: "analyzing state conditions of the call from the telephone terminal to generate parameters based on the state conditions of the call, the parameters representing a presumed psychological state of the customer using the telephone terminal" (e.g., claim 1). One skilled in the art can

implement the present claimed idea of the invention, because any “state conditions of the call from the telephone terminal” in the CTI server can be used to generate a parameter based thereon. For example, if the CTI server indicates that the call has been transferred to 10 different operators within the CTI server, an “angry” or even “happy” (as the case may be) can be assigned to a call meeting such condition in the CTI server. And one skilled in the art can implement the claimed idea of the present invention based upon, for example, page 6, lines 10-21; page 7, line 22 to page 10, line 18, of the present Application, thereby satisfying the enablement requirements. In other words, the idea of the present claimed invention is “analyzing a ~~CTI server state condition~~ state conditions of the call from the telephone terminal to generate a ~~parameter~~ parameters based on the state ~~condition~~ conditions of in the CTI server for the call, the ~~parameter~~ parameters representing a presumed psychological state of a ~~the~~ customer using the telephone terminal, wherein the analyzing comprises analyzing at least incoming call data obtained when the call from the telephone terminal has arrived, dealing data on dealing with the call from the telephone terminal, and transfer data on transfer of the call from the telephone terminal, each representing the state conditions of the call to generate the parameters (e.g., amended claim 10).

REJECTIONS UNDER 35 U.S.C. §102

Claims 1-10 are rejected under 35 U.S.C. §102(e) as being anticipated by Perfit et al. (U.S. Patent 6,535,728).

PERFIT

Perfit discloses that “... The fraud detection system 100 comprises ... a fraud database 108, ...” (column 5, lines 6-9), and that “... The fraud database 108 includes ... suitable processing power to execute programs that access and maintain a database of subscribers that have committed fraud, or ...” (column 5, lines 44-47).

However, Perfit only provides the fraud database 108 which is one of investigation resources applying to high-risk subscribers and event (Abstract). Namely, Perfit only discloses that “... The fraud database 108 also executes programs to examine ... changes to account information, ... (column 5, lines 48-50), and that “... The provisioning loader also forwards new and changed account data to the fraud database 108” (column 5, lines 65-66). Therefore, Perfit analyzes only the account data or the like. In other words, Perfit does not disclose or suggest the present claimed invention’s analysis of incoming call data, dealing data, and transfer data, as state conditions of a call in a CTI server handling the call, and Perfit does not disclose or suggest generating parameters based upon such analysis of state conditions of the call.

The independent claims 1, 9 and 10 are amended to further emphasize the patentably distinguishing features of the present claimed invention by incorporating the features of dependent claim 5 into the independent claims 1, 9 and 10. Support for the claim amendments can be found, for example, in page 3, lines 3-11; page 5, lines 20-32; page 6, lines 10-21; and page 7, line 22 to page 10, line 18, of the present Application. See also, page 10, line 19 to page 17, line 18, and page 26, lines 15-28, which provide specific examples of how the present invention generates at least one customer psyche parameter based on the state conditions of the call in the computer server.

Therefore, in contrast to Perfit, the present claimed invention provides:

1. (CURRENTLY AMENDED) A CTI computer telephony integration (CTI) server to handle calls, comprising:

receiving means for receiving a call of a customer from a telephone terminal; and

~~analysis means for analyzing a CTI server state condition~~state conditions of the call from the telephone terminal to generate a parameter based on the state condition~~conditions of in the CTI server for the call, the parameter representing a presumed psychological state of a~~the customer using the telephone terminal,

wherein the analysis means analyses at least incoming call data obtained when the call from the telephone terminal has arrived, dealing data on dealing with the call from the telephone terminal, and transfer data on transfer of the call from the telephone terminal, each representing the state conditions of the call to generate the parameter.

In particular, the Examiner relies on Perfit, column 11, lines 13-42 to reject dependent claim 5, however, this Perfit disclosure relied upon by the Examiner does not disclose or suggest the present claimed invention's patentably distinguishing features of "analyzing a ~~CTI server state condition~~state conditions of the call from the telephone terminal to generate a parameter based on the state condition~~conditions of in the CTI server for the call, the parameter representing a presumed psychological state of a~~the customer using the telephone terminal," and "analyses at least incoming call data obtained when the call from the telephone terminal has arrived, dealing data on dealing with the call from the telephone terminal, and transfer data on transfer of the call from the telephone terminal, each representing the state conditions of the call to generate the parameter."

In view of the claim amendments and remarks, it is believed that independent claims 1, 9, and 10, and dependent claims thereof (generally, as amended to improve form), are in condition for allowance, which is respectfully requested.

DEPENDENT CLAIM 6

In contrast to Perfit, amended dependent claim 6 provides some examples of generating "parameters based on the state conditions of the call," as follows:

6. (CURRENTLY AMENDED) ~~A-CTI~~The CTI server according to claim 1, wherein the analysis means generates a first and second parameters, the first parameter being based on information directly related to a psychological state of the customer concerning the call from the telephone terminal by being generated by analyzing first state conditions comprising at least one of waiting time of the call from the telephone terminal and ratio of speechless periods of the call from the telephone terminal, and the second parameter being based on other information not directly related to the psychological state of the customer by being generated by analyzing second state conditions comprising at least one of number of incoming calls of calls from the telephone terminal and number of speechless periods of the calls from the telephone terminal.

Support for the dependent claim 6 amendments can be found, for example, on page 8, line 6 to page 9, line 23; page 10, line 19 to page 17, line 18; and page 26, lines 15-28 of the present Application.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
STAAS & HALSEY LLP

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By: Mehdi Sheikerz
Mehdi Sheikerz
Registration No. 41,307

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501